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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,122	03/16/2005	Saburo Yamada	HOK-0265	8927

23353 7590 05/08/2006

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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT PAPER NUMBER

3617

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by McKoy (US 6,354,223).

McKoy discloses a transportation system comprised of a wheeled vehicle 10 propelled along a parallel set of tracks 46, 48. The vehicle is propelled by linear induction motors 14, 14, 18 and 20 positioned adjacent to a first station. These linear induction motors accelerate and propel the vehicle through a first zone, which allows the vehicle to reach a high rate of speed, as discussed in column 4, lines 45-55. A second set of linear induction motors 20, 32, 34, 36 propel the vehicle at a slower coasting speed, also discussed in column 4, lines 55-60. A central linear induction motor 15, 43 serves as an auxiliary single track under the center of the vehicle 10. It is noted that the vehicle is further comprised of a flat bottom, boat design, shown best in figures 3 and 4.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKoy (US 6,354,223) in view of Yamada (EP 1,172,273).

McKoy discloses the transportation system as described above. However, McKoy does not disclose a drive means comprised of a motor mounted on the vehicle for driving the wheels of the vehicle. Yamada discloses a transportation vehicle having a drive motor 21 mounted on the vehicle for powering drive wheel 22. It would have been obvious to one of ordinary skill to have applied a drive motor, like that of Yamada, to a vehicle like that of McKoy so as to serve as an auxiliary propulsion means should one of the many linear induction motors malfunction.

Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 and 4-8 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (571) 272-6683. The examiner can normally be reached on Monday through Friday 7:00am to 3:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert J. McCarry, Jr.
Examiner
Art Unit 3617

RJM
April 24, 2006



S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600